



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,012	09/27/2001	Giancarlo Carbone	GB920010014US1	2763
45502	7590	03/31/2005	EXAMINER	
DILLON & YUDELL LLP 8911 N. CAPITAL OF TEXAS HWY., SUITE 2110 AUSTIN, TX 78759			NGUYEN BA, HOANG VU A	
		ART UNIT		PAPER NUMBER
				2192

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/965,012	CARBONE ET AL.	
	Examiner	Art Unit	
	Hoang-Vu A Nguyen-Ba	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 15-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 15-18 and 21-31 is/are rejected.
- 7) Claim(s) 19,20 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This action is responsive to Amendment After Final filed February 10, 2005.
2. Claims 15-31 are pending.

Response to Amendments

3. Per Applicants' request, claims 1-3 have been canceled, claims 15, 18-20, 24, 27 and 29-30 have been amended.
4. The rejection of claims 15-31 under 35 U.S.C. § 112, first paragraph, as containing the limitation "regardless of a current operating environment of the client computer," which was subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed had possession of the claimed invention, is withdrawn in view of Applicants' amendment to these claims.

Response to Arguments

5. Applicant's arguments with respect to claims 15-31 have been considered but are moot in view of the new ground(s) of rejection.
6. In view of the new grounds of rejection presented herein, the finality of the rejection of the last Office action is hereby withdrawn.

Claim Rejections - 35 USC § 103

7. The following is a quotation of the 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would

have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,185,678 to Arbaugh et al. ("Arbaugh") in view of U.S. Patent No. 6,292,900 to Ngo et al. ("Ngo").

Claims 15, 24 and 29

Arbaugh discloses at least:

starting a bootstrap process in a client computer (see at least Figure 2a and related discussion in the specification).

Arbaugh does not specifically disclose:

before the bootstrap process is completed, requesting an authorization for a program to load on the client computer, the authorization being determined by verifying that a simplified local license certificate for the program is stored on the client computer, the simplified local license certificate being only an identifier of a corresponding full license certificate that is remotely stored on a server computer; and

upon a determination that the simplified local license certificate is stored on the client computer, completing execution of the bootstrap and reusing the simplified local license certificate according to the full license certificate stored the server computer.

However, Ngo suggests these features in at least 5:34-38 and 9:3-26 for the purpose of granting at multiple specified levels use privileges for third-party communication at a selected network level without the need to modify application software (see at least 4:5-11).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Ngo in Arbaugh for the purpose discussed above.

Claims 16 and 25

Rejections of base claims 15 and 24 are incorporated. Arbaugh further discloses *wherein the simplified local license certificate is revised according to changes in hardware installed on the client computer* (see at least Figures 2a-2d and related discussion in the specification; also see discussion on AEGIS Network Recovery Protocol, sections A, D).

Claims 17 and 26

Rejections of base claims 15 and 24 are incorporated. Arbaugh further discloses *wherein the simplified local license certificate is revised according to changes in software installed on the client computer* (see at least Figures 2a-2d and related discussion in the specification; also see discussion on AEGIS Network Recovery Protocol, sections A, D).

Claim 18, 27 and 30

Rejections of base claims 15, 24 and 29 are incorporated respectively. Arbaugh further discloses *wherein the local license certificate is based on an execution environment of the client computer* (see at least Figures 2b-2d, step 290 and related discussion in the specification).

Claims 21, 28 and 31

Rejections of base claims 15, 24 and 29 are incorporated respectively. Arbaugh does not specifically disclose *wherein the local license certificate is not time based*. However,

Arbaugh teaches an authentication certificate that has a time stamp (see at least 13:63-65). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Arbaugh by removing this time stamp information (i.e., 13:63-65) from the authentication certificate because the modification would no longer base the license certificate on time conditions.

Claim 22

The rejection of base claim 15 is incorporated. Arbaugh further discloses *wherein the program is an operating system* (see at least Figure 2b-d, step 294 and related discussion in the specification).

Claim 23

The rejection of base claim 15 is incorporated. Arbaugh further discloses *wherein the program is a network stack* (see at least 11:1-15).

Allowable Subject Matter

9. Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, taken alone or in combination, fails to teach the features as recited in claims 19 and 20.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 7:15 – 17:45.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANTONY NGUYEN-BA
PRIMARY EXAMINER**

Art Unit 2192

March 28, 2005